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THE HONOURABLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.16493 OF 2003

DATED:19-09-2005

Between:

D.Krishnaiah

..... PETITIONER

AND

1. The Joint Collector, Nellore District and another.

.....RESPONDENTS

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THE HONOURABLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.16493 OF 2003

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ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action

of the second respondent in seizing 3740 liters of white kerosene and one barrel of 20:40 waste oil from the shop of the petitioner on 04-07-2003, as arbitrary and illegal.

This Court while directing notice before admission, by order dated 07-08-2003, granted stay of sale of seized stock. Subsequently, the respondents were directed to release the stock seized subject to the condition that the petitioner furnishes bank guarantee for the value of half of the stock seized. It is not in dispute that the petitioner has furnished the bank guarantee and accordingly, the stock has already been released.

Heard both sides.

The learned counsel for the petitioner raised various contentions, particularly contending that the provisions of the A.P. Petroleum Products (Licensing & Regulations of Supplies) Order, 1980, do not attract at all so far as white kerosene is concerned.

However, since admittedly the proceedings initiated under Section 6-A of the Essential Commodities Act are still pending before the first respondent, I am not inclined to express any opinion on merits. Instead, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to raise all the grounds as available under law in the proceedings pending before the first respondent, in which event the first respondent shall consider the same and pass appropriate orders in accordance with law as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

19th September, 2005

NOTE:

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Furnish C.C. within one week.

B/o.

SKM